

UNION PACIFIC RAILROAD
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April 1, 2011

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VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

**REPLY TO ROBERT ALAN KEMP's, d/b/a
NEVEDA CENTRAL RAILROAD MOTION FOR LATE
FILING OF PETITION FOR EXTENSION OF TIME TO FILE OFA
AND PETITION FOR EXTENSION OF TIME TO FILE OFA**

**Re: Proposed Abandonment and Discontinuance of Service over the Lexington
Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near
Lexington, a distance of 2.91 miles in Lafayette County, Missouri; STB
Docket No. AB-33 (Sub-No. 297X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") concurs with the Board's decision having a late release service date of March 29, 2011 concerning the above-referenced matter.

49 C.F.R. § 1152.27(c)(2)(C) specifically provides that petitions to the Board to toll the thirty (30) day period for submitting Offers of Financial Assistance under said section must be filed with the Board within twenty-five (25) days after publication in the Federal Register. NCR by its own admission in its motion specifically states that NCR simply made a procedural error in the interpretation of the Board's rules.

In accordance with the Board's order, Union Pacific is no longer obligated to continue with the OFA process and Union Pacific concurs with such determination. Union Pacific is willing to continue negotiating with NCR on an arms-length contractual basis concerning acquisition of all or any portion of the subject Line, track structure and right-of-way, but not under the OFA process.

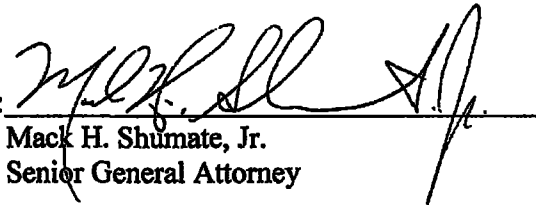


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Wherefore, Union Pacific Railroad Company, respectfully requests that the Board deny NCR's Motion for Late Filing of Petition for Extension of Time to File OFA and its Petition for Extension of Time to File OFA.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: 
Mack H. Shumate, Jr.
Senior General Attorney

cc: Robert Alan Kemp
City of Lexington, MO